

REMARKS

The present application includes pending claims 1-28, all of which remain rejected. By this Amendment, claims 1, 10 and 23 have been amended, as set forth above.

Claims 1-28 stand rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent No. 7,065,778 ("Lu") in view of United States Patent Number 6,963,358 ("Cohen"). The Applicants respectfully traverse these rejections for at least the reasons previously discussed during prosecution and the following.

I. The Proposed Combination Of Lu And Cohen Does Not Render Claims 1-17 Unpatentable

Claim 1 now recites, in part, "a first storage in the first home, the first storage for storing media, and having a first network protocol address **with respect to a first user in the first home**; a second storage in the second home, and having a second network protocol address **with respect to a second user in the second home, wherein the second user is known to the first user**;... server software that **maintains a user defined association of the first and second network protocol addresses** and that receives via a communication network a **request that identifies** one of the associated first and second network protocol addresses, one of the at least one media peripheral, and at least one media peripheral command selected by a user at the first home, and **responds by identifying the other of the associated first and second network protocol addresses to support control from the first home...."**

Claim 10 now recites, in part, "a first storage in a first home that stores media, and having a first network address **with respect to a first user in the first home**; a second storage in a second home, and having a second network address **with respect to a second user in the second**

home, wherein the second user is known to the first user; server software that maintains a user defined association of the first and second network addresses and that receives a request that identifies one of the associated first and second network addresses, one of the at least one media peripheral, and at least one media peripheral command, and responds by identifying the other of the associated first and second network addresses to support control....”

The Office Action asserts that Lu discloses “server software that maintains a user defined association of the first and second network protocol addresses and receives via a communication network a request that identifies one of the associated first and second network protocol addresses by a user at the first home and responds by identifying the other of the associated first and second network protocol addresses....” *See* October 29, 2007 Office Action at page 6 and September 4, 2007 Office Action at pages 5-6. However, Lu “relates to the field of utilizing personalized video recorders and other similar types of devices to distribute television programming.” *See* Lu at column 1, lines 7-11. In particular, Lu discloses a system in which a user is able to record a show that is transmitted in another broadcast area. *See id.* at Abstract.

For example, Lu describes the following:

Specifically, personalized video recorder 200 is coupled to the Internet 302 such that it can receive an electronic programming guide (EPG) containing worldwide television programming from an EPG server computer 304. The user of personalized video recorder 200 utilizes the EPG to request delivery of a specific television show that may not be available to him or her. Upon reception of the request from personalized video recorder 200, EPG server computer 304 locates via Internet 302 one or more personalized video recorders... situated within a broadcast region of the requested television show. Subsequently, EPG server computer 304 programs one or more personalized video

recorders... to record the requested television show when it is broadcast by a television content provider.... Once the personalized video recorders... record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requested personalized video recorder 200. In this manner, the present embodiment enables personalized video recorder 200 to order and receive specific television shows that are unavailable from its television content provider....

Lu at column 6, lines 39-61. Thus, Lu discloses a system in which a user sends a recording request that is received by a server computer via the Internet. The server computer then arbitrarily locates a recorder within the broadcast region of the show, and then sends the recorded show back to the requesting user.

Lu does not describe, teach, or suggest “a first storage in the first home, the first storage for storing media, and having a first network protocol address **with respect to a first user in the first home**; a second storage in the second home, and having a second network protocol address **with respect to a second user in the second home, wherein the second user is known to the first user**;... server software that **maintains a user defined association of the first and second network protocol addresses** and that receives via a communication network a **request that identifies** one of the associated first and second network protocol addresses, one of the at least one media peripheral, and at least one media peripheral command selected by a user at the first home, and **responds by identifying the other of the associated first and second network protocol addresses to support control from the first home.....**” Instead, Lu merely discloses that a user of a PVR requests delivery of a specific television show, at which point a server computer arbitrarily locates another PVR in a particular broadcast area to record the show for the requesting PVR.

The current Office Action cites Lu at column 6, lines 54-58 as disclosing “server software that maintains a user defined association of the first and second network addresses.” *See* October 29, 2007 Office Action at pages 2 and 6. This cited portion of Lu states, however, the following:

Once the personalized video recorders (e.g., 200A and 200B) record the television show, one or more of the personalized video recorders may transmit it to EPG server computer 304 which then transmits it to the requesting personalized video recorder 200.

Lu at column 6, lines 54-58. This portion of Lu merely indicates that a recorder requests a show, and then the EPG **arbitrarily** finds another recorder in a broadcast area to record the show for the requesting recorder. This portion of Lu does not indicate that a user defines an association between first and second network addresses, or that a server **maintains** that **user defined association**. In general, there is nothing in this cited portion, nor the remainder, of Lu that describes, teaches or suggests “server software that **maintains a user defined association of the first and second network addresses**,” as recited in claim 1. Thus, for at least these reasons, the Applicants respectfully submit that the proposed combination of Lu and Cohen does not render claims 1-17 unpatentable.

Additionally, the Office Action cites Lu at column 6, lines 45-50 as disclosing “respond[ing to a request that identifies one of the associated first and second network protocol addresses] by identifying the other of the associated first and second network protocol addresses.” *See* October 29, 2007 Office Action at pages 6-7, September 4, 2007 Office Action at page 6, May 23, 2007 Office Action at page 4 and December 8, 2006 Office Action at pages 4-5. This portion of Lu recites, however, the following:

Upon reception of the request from personalized video recorder 200, EPG server computer **locates** via Internet 302 one or more personalized video recorders (e.g., 200A and/or 200B) situated within a broadcast region of the requested television show.

See Lu at column 6, lines 45-50. The “request” mentioned in this passage is a “request [for] delivery of a specific television show that may not be available to him or her.” *See id.* at column 6, lines 43-45. In response to the request for delivery, Lu discloses that the EPG server “locates one or more personalized video recorders situated within a broadcast region of the requested television show.” Arbitrary location of a recorder within a particular broadcast region in response to a request for delivery of a particular television show is not a response to a request that identifies one of the associated first and second network addresses that “identif[ies] the other of the associated first and second network addresses to support delivery,” as recited in claim 1, for example.

Neither Lu, nor Cohen describes, teaches, or suggests “server software that **maintains a user defined association of the first and second network protocol addresses** and that receives via a communication network a **request that identifies** one of the associated first and second network protocol addresses, one of the at least one media peripheral, and at least one media peripheral command selected by a user at the first home, and **responds by identifying the other of the associated first and second network protocol addresses to support control from the first home,**” as recited in claim 1. Additionally, neither Lu, nor Cohen describes, teaches, or suggests “server software that **maintains a user defined association of the first and second network addresses** and that receives a **request that identifies** one of the associated first and second network addresses, one of the at least one media peripheral, and at least one media

peripheral command, and **responds by identifying the other of the associated first and second network addresses to support control,**” as recited in claim 10. For at least these reasons, the Applicants respectfully submit that the proposed combination of Lu and Cohen does not render claims 1-17 unpatentable.

Additionally, the Office Action acknowledges that “Lu does not teach at least one media peripheral, in the second home, communicatively coupled to the second storage.” *See* October 29, 2007 Office Action at page 7, September 4, 2007 Office Action at page 6, May 23, 2007 Office Action at page 4 and December 8, 2006 Office Action at page 5. To overcome this deficiency, the Office Action relies on Cohen. In particular, the Office Action cites Cohen at column 13, lines 22-33 and column 14, lines 19-27 as disclosing “server software that receives a request that identifies one of the at least one media peripheral, and at least one media peripheral command selected by a user.” *See* October 29, 2007 Office Action at page 7, September 4, 2007 Office Action at pages 3-4 and 6, May 23, 2007 Office Action at page 5 and December 8, 2006 Office Action at page 5. The current Office Action attempts to bolster the rejection by also citing Lu at Figure 3 and Cohen at column 14, lines 60-67 and Figure 6A. *See* October 29, 2007 Office Action at pages 3-4 and September 4, 2007 Office Action at pages 3-4. The Applicants will now address each of these cited portions in turn.

Cohen at **column 13, lines 22-33** states the following:

When a user or a requester wants to access a data file stored on the storage medium being serviced by the server, the requestor/user submits or makes a request. This access request is processed to determine if the user/requestor is authorized to access the data file, STEPS 706, 708. If the requestor does not have authorization to access the data file (NO, STEP 708), an error/no access granted message is outputted, STEP 710. If the requestor has authorization

to access the data file (YES, STEP 708), then the server grants access to the stored data. The access being granted can be limited to a read only type of access or access to manipulate or further process the data.

This portion of Cohen merely discloses the steps taken if and when a user has authorization to gain access to a data file. **There is nothing in this portion of Cohen, however, that describes, teaches, or suggests receiving a request that “identifies one of at least one media peripheral, and at least one media peripheral command selected by a user”** as recited in the claims.

Similarly, **column 14, lines 19-27** of Cohen states the following:

In use, image data is acquired in the digital camera 10' and when desired by the user such acquired data is downloaded into the DDST device 100b. Thereafter the downloaded data is transmitted using wireless communications techniques to the transceiver 804 operably coupled to a first network infrastructure 806. This downloaded data is in turn communicated via the network infrastructure to a remotely located server 808.

This portion of Cohen merely discloses that image data from a digital camera is downloaded into a DDST device. **However, there is nothing in this portion of Cohen that describes, teaches, or suggests receiving a request that “identifies one of at least one media peripheral, and at least one media peripheral command selected by a user”** as recited in the claims. Thus, for at least these additional reasons, the Office Action has not established a prima facie case of obviousness with respect to claims 1-17.

Next, Cohen at **column 14, lines 60-67** states the following:

The server 808 also includes software to validate that transmissions of the stored image/picture data are to an authorized individual. In a specific embodiment, and as described above, the re-transmitted image data is transmitted to the authorized person's computer 910 via a network infrastructure 920 such as that provided by the internet.

This portion relied on by the Office Action merely indicates that the server includes validation software. **However, there is nothing in this portion of Cohen that describes, teaches, or suggests receiving a request that “identifies one of at least one media peripheral, and at least one media peripheral command selected by a user”** as recited in the claims. Thus, for at least these additional reasons, the Office Action has not established a prima facie case of obviousness with respect to claims 1-17.

Next, the Office Action has not explained how **Figure 3** of Lu describes, teaches or suggests the relevant limitation. Figure 3 of Lu, however, shows a “block diagram of an exemplary network... for enabling personalized video recorders to receive specific television shows from remote locations.” *See* Lu at column 3, lines 1-4. In particular, Figure 3 shows PVRs 200, 200A, 200B, a TV Head-End 309, an EPG server 304, the internet 302, a display device 212 and TV head-end 306. *See id.* at Figure 3. There is nothing in Figure 3 of Lu that describes, shows, teaches or suggests **a request that “identifies one of at least one media peripheral, and at least one media peripheral command selected by a user”** as recited in the claims. Again, the Office Action provides no explanation as to how this Figure discloses such a limitation.

Moving on, the Office Action also has not explained how **Figure 6A** of Cohen describes, teaches or suggests the relevant limitation. Indeed, Figure 6A of Cohen merely shows a “schematic view of system... by which digitized data is transmitted from the digitized data storage and transmitting device to a remote site using wireless communications.” *See* Cohen at column 5, lines 32-35. Indeed, there is nothing in Figure 6A, by itself, or in combination with

Figure 3 of Cohen, that describes, shows, teaches or suggests a request that “identifies one of at least one media peripheral, and at least one media peripheral command selected by a user” as recited in the claims. Again, the Office Action provides no explanation as to how these Figures disclose such a limitation.

A previous Office Action responded to the Applicants as follows:

In response to applicant’s argument, it is the combination of Lu and Cohen teaches [sic] the claimed invention, not Lu or Cohen alone.

See September 4, 2007 Office Action at page 3. As noted above, however, the Office Action explicitly acknowledges that Lu does not describe, teach or suggest “at least one media peripheral, in the second home, communicatively coupled to the second storage.” *See* October 29, 2007 Office Action at page 7, September 4, 2007 Office Action at page 6, May 23, 2007 Office Action at page 4 and December 8, 2006 Office Action at page 5. Further, the Applicants have clearly demonstrated that the portions of Cohen relied on in the Office Action also do not describe, teach or suggest these limitations. If neither Lu, nor Cohen, describe, teach or suggest these limitations, then the combination of both together also cannot, **by definition**, describe, teach or suggest the relevant limitation. If this rejection is maintained, the Applicants respectfully request an explanation as to how a combination of references can describe a limitation despite the fact that neither of the references by themselves describe, teach or suggest the limitation.

II. The Proposed Combination Of Lu And Cohen Does Not Render Claims 18-22 Unpatentable

Claim 18 recites, in part, “the at least one media peripheral being configured to be indirectly controlled by the set top box circuitry in the first home...”. Neither Lu, nor Cohen describes, teaches, or suggests such a limitation. **Neither Lu, nor Cohen, discloses indirect control of a component in a second home through set top box circuitry in a first home.** Instead, Lu arbitrarily locates a PVR in a broadcast area to record a show for a PVR in another broadcast area. Moreover, there is nothing in the portions of Cohen cited in the Office Action that describes, teaches or suggests this limitation, as discussed above. Thus, the proposed combination of Lu and Cohen does not render claims 18-22 unpatentable for at least this reason.

The current Office Action responds to the Applicants as follows:

at least one media peripheral command selected by a user (Col 13 lines 22-33, Col 14 lines 19-27, user requests to server for accessing and downloading data captured from digital camera 10’; user requested download corresponds to “the at least one media peripheral command”). The user request to server for accessing data captured from digital camera corresponds to at least one media peripheral command selected by a user at a first home, which is the indirect control to the camera located a second home.

See October 29, 2007 Office Action at pages 4-5. As shown above, however, the Office Action makes a series of logical leaps that have absolutely no support in the cited references. First, as shown above in Section I, Cohen at column 13, lines 22-33 merely discloses the steps taken if and when a user has authorization to gain access to a data file. There is absolutely nothing in this cited portion of Cohen that can reasonably be interpreted as disclosing “the at least one **media peripheral** being configured to be **indirectly controlled by the set top box circuitry in the first home...**”

Next, as also shown above in Section I, Cohen at column 14, lines 19-27 merely discloses that image data from a digital camera is downloaded into a DDST device. Again, however, there simply is nothing in this cited portion of Cohen that can reasonably be interpreted as disclosing “the at least one **media peripheral** being configured to be **indirectly controlled by the set top box circuitry in the first home...**”

Thus, for at least the reasons discussed above, the Office Action has failed to establish a *prima facie* case of obviousness with respect to claims 18-22.

III. Claims 23-28 Are In Condition For Allowance

Claims 23-28 should be in condition for allowance for at least the reasons discussed above with respect to claim 1.

IV. Conclusion

In general, the Office Action makes various statements regarding claims 1-28 and the cited references that are now moot in light of the above. Thus, the Applicants will not address such statements at the present time. The Applicants expressly reserve the right, however, to challenge such statements in the future should the need arise (e.g., if such statement should become relevant by appearing in an Examiner’s Answer to an Appeal Brief).

The Applicants respectfully submit that the claims should be allowable for at least the reasons discussed above. If the Examiner has any questions or the Applicants can be of any assistance, the Examiner is invited to contact the Applicants.

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The Commissioner is authorized to charge any necessary fees, or credit any overpayment to the Deposit Account of McAndrews, Held & Malloy, Account No. 13-0017.

Respectfully submitted,

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MCANDREWS, HELD & MALLOY, LTD.
500 West Madison Street, 34th Floor
Chicago, Illinois 60661
Telephone: (312) 775-8000
Facsimile: (312) 775-8100

/Joseph M. Butscher/
Joseph M. Butscher
Registration No. 48,326
Attorney for Applicant